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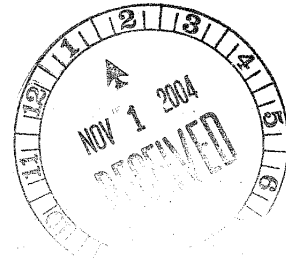
BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

NOV 01 2004

Part of
Public Record

FINANCE DOCKET NO. 32760 (SUB NO. 43)



IN THE MATTER OF NEW YORK DOCK ARBITRATION
BETWEEN UNION PACIFIC RAILROAD COMPANY
AND
BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN
(ARBITRATION REVIEW)

RESPONDENT'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT

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RESPONDENT'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT

Without waiver of its request to dismiss the Appeal of petitioner-carrier Union Pacific Railroad Company ("UP") as untimely, respondent Brotherhood of Locomotive Engineers & Trainmen ("BLET") moves the Board to enter an order permitting it to file an opposition to appeal and exhibits, which together exceed the thirty page limit set forth in 49 C.F.R. §1115.2. In support of this motion, BLET states:

1. UP's untimely appeal filed with the Board on or about September 20, 2004, arises from an award entered on March 2004 by Ann S. Kenis, who was appointed as New York Dock Arbitrator by the National Mediation Board. That appeal runs 27 pages. The appendix itself is 2 ½ inches high and runs about 500 pages with 28 exhibits.

2. Due to the lengthy nature of the document filed by UP, that its brief raises four issues to which BLET must respond, and that its argument obfuscates, misstates and fails to state facts relevant to the award or for the first time raised on its appeal, BLET must submit additional documents in rebuttal or to complete the record in order for the agency to properly rule, if it accepts jurisdiction over the matter.

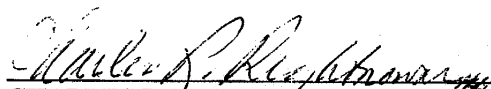
3. This motion is also warranted by the comments set forth in paragraph 3 of UP's motion requesting waiver of the page limit regulation.

4. UP will not be prejudiced by the Board's permission for BLET to exceed the thirty page limit.

WHEREFORE, respondent Brotherhood of Locomotive Engineers & Trainmen respectfully requests the Board to enter an order permitting respondent to file its brief and appendix, which

together exceed the thirty (30) page limit of 49 C.F.R. §1115.2

Respectfully submitted,



CHARLES R. RIGHTNOWAR

General Chairman

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by first class mail, postage prepaid, upon Clifford A. Godiner, Esq., and Rodney A. Harrison, Esq., Thompson Coburn LLP, One US Bank Plaza, St. Louis, Missouri 63101, attorneys for petitioner on this 27th day of October 2004.

A handwritten signature in dark ink, appearing to read "Harold A. Ross", is written over a horizontal line.

HAROLD A. ROSS
Attorney for Respondent